

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSKIMBERLY P. CUTONE
Plaintiff(s)

v.

ELI LILLY + COMPANY
Defendant(s)

CIVIL ACTION

NO. 04-12725ORDER OF REFERENCE
FOR
ALTERNATIVE DISPUTE RESOLUTION

After consultation with counsel and after consideration of the various alternative dispute resolution programs (ADR) available, I find this matter appropriate for ADR and accordingly, refer this case to MAG. JUDGE BOWEN for the following ADR program:

<input type="checkbox"/> EARLY NEUTRAL EVALUATION	<input checked="" type="checkbox"/> MEDIATION
<input type="checkbox"/> MINI-TRIAL	<input type="checkbox"/> SUMMARY JURY TRIAL
<input type="checkbox"/> SETTLEMENT CONFERENCE	<input type="checkbox"/> SPECIAL MASTER
<input type="checkbox"/> PRIVATE ALTERNATIVE DISPUTE RESOLUTION PROGRAM	

Upon notification of the time and place designated for the proceeding, counsel are directed to be present with their clients or with appropriate settlement authority and to provide any written documentation which may be required for the particular ADR program. If counsel is engaged on trial or has any scheduling conflict and a continuance becomes necessary, the provider of the ADR program and other counsel should be advised of the conflict immediately.

8/22/06
DATEBY THE COURT,
Rita Howell
UNITED STATES DISTRICT JUDGECASE CATEGORY

Admiralty	<input type="checkbox"/>	Antitrust	<input type="checkbox"/>
Civil Rights	<input type="checkbox"/>	Contract	<input type="checkbox"/>
Copyright/Trademark/Patent	<input type="checkbox"/>	Environmental	<input type="checkbox"/>
ERISA	<input type="checkbox"/>	FELA	<input type="checkbox"/>
Labor Relations	<input type="checkbox"/>	Medical Malpractice	<input type="checkbox"/>
Personal Injury	<input type="checkbox"/>	Product Liability	<input type="checkbox"/>
Shareholder Dispute	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

CASREF

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-12725-JLT**

Cutone et al v. Eli Lilly and Company
Assigned to: Judge Joseph L. Tauro
Referred to: Magistrate Judge Marianne B. Bowler
Case in other court: Superior Court District of Columbia,
4ca05307
Cause: 28:1332 Diversity-Product Liability

Date Filed: 12/29/2004
Jury Demand: Both
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Kimberly C Cutone

represented by **Aaron M. Levine**
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Plaintiff

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Sheila Mone
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LEAD ATTORNEY
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Erica Tennyson
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V.

Defendant

Eli Lilly and Company

represented by **Lawrence Hedrick Martin**
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Defendant

Bristol-Myers Squibb Company

A Successor of E.R. Squibb & Sons, Inc.

TERMINATED: 03/31/2005

represented by **Sidney G. Leech**

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Defendant

Pharmacia & UpJohn Company

TERMINATED: 09/30/2005

also known as

The UpJohn Company

TERMINATED: 09/30/2005

represented by **Elizabeth Ewert**

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Defendant

Premo Pharmaceutical Laboratories, Inc.
TERMINATED: 10/28/2005

represented by **Juli Zsuzsa Simonyi**
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TERMINATED: 10/28/2005

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TERMINATED: 10/28/2005

Defendant

Dart Industries, Inc.
A Successor to Rexall Drug Company, Inc.
TERMINATED: 12/29/2004

represented by **John F. Anderson**
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Defendant

Wyeth Ayerst Laboratories
TERMINATED: 07/19/2005

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Defendant

Dart Industries, Inc.

TERMINATED: 12/29/2004

Date Filed	#	Docket Text
08/12/2004	24	NOTICE OF REMOVAL by Premo Pharmaceutical Laboratories, Inc., Dart Industries, Inc., Eli Lilly and Company, Bristol-Myers Squibb Company, Pharmacia & UpJohn Company from Superior Court for the District of Columbia, case number 04ca05307. \$ 150, filed by Premo Pharmaceutical Laboratories, Inc., Dart Industries, Inc., Eli Lilly and Company, Bristol-Myers Squibb Company, Pharmacia & UpJohn Company. (Attachments: # 1 Exhibit 2# 2 Exhibit 2)(Stanhope, Don) (Entered: 01/11/2005)

12/09/2004	● <u>25</u>	Consent MOTION to Transfer Case by Eli Lilly and Company.(Stanhope, Don) (Entered: 01/11/2005)
12/29/2004	● <u>22</u>	Case transferred in from District of Columbia; Case Number 1:04-cv-01365-GK-AK. Original file with documents numbered 1-21, certified copy of transfer order and docket sheet received. (Stanhope, Don) (Entered: 01/03/2005)
12/29/2004	● <u>26</u>	STIPULATION Dismissing Dart Industries, Inc. by Kimberly C Cutone, Anthony Cutone. (Stanhope, Don) (Entered: 01/11/2005)
01/03/2005	●	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Stanhope, Don) (Entered: 01/07/2005)
01/04/2005	● <u>23</u>	NOTICE of Appearance by Brian L. Henninger on behalf of Eli Lilly and Company (Henninger, Brian) (Entered: 01/04/2005)
01/12/2005	● <u>27</u>	NOTICE of Appearance by Lisa J. Cooney, Marc C. Laredo on behalf of Pharmacia & UpJohn Company (Stanhope, Don) (Entered: 01/14/2005)
01/25/2005	● <u>28</u>	NOTICE of Appearance by Julie M. Wade on behalf of Premo Pharmaceutical Laboratories, Inc. (Wade, Julie) (Entered: 01/25/2005)
02/03/2005	● <u>29</u>	NOTICE of Appearance by Sheila Mone on behalf of Kimberly C Cutone, Anthony Cutone (Mone, Sheila) (Entered: 02/03/2005)
02/16/2005	● <u>30</u>	NOTICE of Appearance by Mary B. Murrane on behalf of Wyeth Ayerst Laboratories (Murrane, Mary) (Entered: 02/16/2005)
02/16/2005	● <u>31</u>	NOTICE by Wyeth Ayerst Laboratories of <i>Appearance of Janice W. Howe</i> (Murrane, Mary) (Entered: 02/16/2005)
02/16/2005	● <u>32</u>	NOTICE by Wyeth Ayerst Laboratories of <i>Appearance of Paul M. Robertson</i> (Murrane, Mary) (Entered: 02/16/2005)
02/16/2005	● <u>33</u>	NOTICE by Wyeth Ayerst Laboratories of <i>Withdrawal of Appearance of Williams & Connolly LLP</i> (Murrane, Mary) (Entered: 02/16/2005)
03/03/2005	● <u>34</u>	NOTICE of Scheduling Conference Scheduling Conference set for 4/13/2005 03:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 03/03/2005)
03/15/2005	● <u>35</u>	NOTICE of Appearance by Jodi B. Buske on behalf of Premo Pharmaceutical Laboratories, Inc. (Buske, Jodi) (Entered: 03/15/2005)
03/30/2005	● <u>36</u>	NOTICE of Appearance by Mark E. Swirbalus on behalf of Bristol-Myers Squibb Company (Swirbalus, Mark) (Entered: 03/30/2005)
03/30/2005	● <u>37</u>	STIPULATION of Dismissal by Bristol-Myers Squibb Company. (Attachments: # <u>1</u> Exhibit 1)(Swirbalus, Mark) (Entered: 03/30/2005)
04/05/2005	● <u>38</u>	JOINT STATEMENT re scheduling conference <i>Pursuant to Local Rule 16.1(D)</i> . (Attachments: # <u>1</u> Appendix 1# <u>2</u> Appendix 2# <u>3</u> Appendix 3# <u>4</u>

		Appendix 4# <u>5</u> Appendix 5# <u>6</u> Appendix 6)(Henninger, Brian) (Entered: 04/05/2005)
04/05/2005	● <u>39</u>	CERTIFICATION pursuant to Local Rule 16.1 filed by Kimberly C Cutone.(Stanhope, Don) (Entered: 04/06/2005)
04/05/2005	● <u>40</u>	CERTIFICATION pursuant to Local Rule 16.1 filed by Eli Lilly and Company.(Stanhope, Don) (Entered: 04/06/2005)
04/05/2005	● <u>41</u>	CERTIFICATION pursuant to Local Rule 16.1 filed by Pharmacia & UpJohn Company.(Stanhope, Don) (Entered: 04/06/2005)
04/05/2005	● <u>42</u>	CERTIFICATION pursuant to Local Rule 16.1 filed by Premo Pharmaceutical Laboratories, Inc..(Stanhope, Don) (Entered: 04/06/2005)
04/05/2005	● <u>43</u>	CERTIFICATION pursuant to Local Rule 16.1 filed by Wyeth Ayerst Laboratories.(Stanhope, Don) (Entered: 04/06/2005)
04/12/2005	● <u>44</u>	NOTICE of Appearance by Sheila Mone on behalf of Kimberly C Cutone, Anthony Cutone (Mone, Sheila) (Entered: 04/12/2005)
04/13/2005	●	Judge Reginald C. Lindsay : Electronic ORDER OF RECUSAL. Judge Lindsay hereby recuses himself in this matter. While in private practice he frequently represented The Upjohn Company, a defendant in this action and Pfizer, Inc., an interested party.(Lindsay, Reginald) (Entered: 04/13/2005)
04/13/2005	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay : Scheduling Conference held on 4/13/2005. Counsel for Eli Lilly and Company not present. All discovery due 11/11/05. Plaintiff's expert designations due 8/11/05. Defendant's expert designations due 9/12/05. Dispositive motions due 12/12/05. Court to issue Order of Recusal. (Court Reporter none.) (Stanhope, Don) (Entered: 04/14/2005)
04/14/2005	● <u>45</u>	Notice of Reassignment. Judge Joseph L. Tauro added. Judge Reginald C. Lindsay no longer assigned to case. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. (Stanhope, Don) (Entered: 04/14/2005)
04/22/2005	● <u>46</u>	Letter from Brian L. Henninger regarding April 13, 2005 Scheduling Conference. (Stanhope, Don) (Entered: 04/22/2005)
05/12/2005	● <u>47</u>	NOTICE of Withdrawal of Appearance Attorney Lisa J. Cooney terminated. (Cooney, Lisa) (Entered: 05/12/2005)
06/23/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered finding as moot <u>25</u> Motion to Transfer Case. This is not a motion, it is an order from the US District Court in Washington DC. (Abaid, Kim) (Entered: 06/23/2005)
07/19/2005	● <u>48</u>	STIPULATION of Dismissal by Wyeth Ayerst Laboratories. (Murrane, Mary) (Entered: 07/19/2005)
07/22/2005	●	NOTICE by the COURT: a scheduling conference will be held on August 2, 2005 at 11:30 a.m. (Lovett, Zita) (Entered: 07/22/2005)

07/22/2005	● <u>49</u>	Judge Joseph L. Tauro : Electronic ORDER entered. (Lovett, Zita) (Entered: 07/22/2005)
07/25/2005	● <u>50</u>	Letter/request (non-motion) from Marc C. Laredo. (Laredo, Marc) (Entered: 07/25/2005)
08/08/2005	● <u>52</u>	EXHIBIT - Proposed List of Deponents by Kimberly C Cutone, Anthony Cutone. (Abaid, Kim) (Entered: 08/15/2005)
08/11/2005	● <u>51</u>	EXHIBIT - Proposed List of Deponents by Premo Pharmaceutical Laboratories, Inc.. (Abaid, Kim) (Entered: 08/15/2005)
08/15/2005	● <u>53</u>	Judge Joseph L. Tauro : ORDER entered re: DISCOVERY. All discovery shall be completed by December 30, 2005. Dispositive motions shall be filed by January 31, 2006. A Further Conference is scheduled for March 7, 2006 at 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro.(Abaid, Kim) (Entered: 08/16/2005)
09/30/2005	● <u>54</u>	STIPULATION of Dismissal <i>with Prejudice of Defendant Pharmacia & Upjohn Company LLC</i> by Pharmacia & Upjohn Company. (Laredo, Marc) (Entered: 09/30/2005)
10/28/2005	● <u>55</u>	STIPULATION <i>Of Dismissal With Prejudice Of Defendant Premo Pharmaceutical Laboratories, Inc.</i> by Premo Pharmaceutical Laboratories, Inc., Kimberly C Cutone, Anthony Cutone. (Buske, Jodi) (Entered: 10/28/2005)
11/15/2005	● <u>56</u>	EXHIBIT <i>Amended Proposed Deponent List</i> by Eli Lilly and Company. (Henninger, Brian) (Entered: 11/15/2005)
11/16/2005	● <u>57</u>	Consent MOTION for Leave to File <i>Amended Complaint and to Amend Scheduling Order</i> by Kimberly C Cutone, Anthony Cutone. (Attachments: # <u>1</u> Appendix Amended Complaint)(Mone, Sheila) (Entered: 11/16/2005)
11/28/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>57</u> Motion for Leave to File Amended Complaint and to Amend Scheduling Order. (Abaid, Kim) (Entered: 11/29/2005)
11/28/2005	● <u>58</u>	Judge Joseph L. Tauro : AMENDED SCHEDULING ORDER. All discovery shall be completed by March 30, 2006. Dispositive motions shall be filed by May 1, 2006. A Further Conference is scheduled for April 10, 2006 at 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro.(Abaid, Kim) (Entered: 11/29/2005)
12/19/2005	● <u>59</u>	NOTICE of Appearance by Juliet A. Davison on behalf of all plaintiffs (Davison, Juliet) (Entered: 12/19/2005)
12/19/2005	● <u>60</u>	NOTICE of Appearance by Erica Tennyson on behalf of all plaintiffs (Tennyson, Erica) (Entered: 12/19/2005)
12/29/2005	● <u>61</u>	<i>Plaintiff's Supplemental 26(a)(2) Statement</i> by Kimberly C Cutone.(Tennyson, Erica) Modified on 1/11/2006 (Abaid, Kim). (Entered: 12/29/2005)

01/11/2006	●	Notice of correction to docket made by Court staff. Correction: Docket Entry 61 corrected because: Corrected title of document to reflect actual document. Termed motion from pending motions list. (Abaid, Kim) (Entered: 01/11/2006)
01/11/2006	●	Motions terminated: <u>61</u> Supplemental MOTION for Disclosure <i>Plaintiffs' Supplemental 26(a)(2) Statement</i> filed by Kimberly C Cutone,. (Abaid, Kim) (Entered: 01/11/2006)
01/11/2006	● <u>62</u>	MOTION for Leave to Appear Pro Hac Vice by Aaron M. Levine by Kimberly C Cutone. (Attachments: # <u>1</u> Affidavit of Aaron M. Levine in Support of Motion to Admit Pro Hac Vice)(Tennyson, Erica) (Entered: 01/11/2006)
01/17/2006	●	Filing fee: \$ 50.00, receipt number 69597 regarding <u>62</u> Motion for Pro Hac Vice (Abaid, Kim) (Entered: 01/17/2006)
01/17/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>62</u> Motion for Leave to Appear Pro Hac Vice Added Aaron M. Levine for Kimberly C Cutone and Anthony Cutone (Abaid, Kim) (Entered: 01/17/2006)
01/24/2006	● <u>63</u>	NOTICE of Withdrawal of Appearance by Kenneth M. Levine (Levine, Kenneth) Additional attachment(s) added on 1/31/2006 (Abaid, Kim). (Entered: 01/24/2006)
01/31/2006	●	Notice of correction to docket made by Court staff. Correction: Docket Entry 63 corrected because: Replaced unsigned document with signed version. (Abaid, Kim) (Entered: 01/31/2006)
02/03/2006	● <u>64</u>	STIPULATION of Dismissal <i>Without Prejudice</i> by Kimberly C Cutone. (Tennyson, Erica) Additional attachment(s) added on 2/6/2006 (Abaid, Kim). (Entered: 02/03/2006)
02/06/2006	●	Notice of correction to docket made by Court staff. Correction: Docket Entry 64 corrected because: Replaced document with corrected document. (Abaid, Kim) (Entered: 02/06/2006)
02/06/2006	● <u>65</u>	STIPULATION of Dismissal as to Adriana Bella Cutone. (Abaid, Kim) (Entered: 02/07/2006)
03/30/2006	●	ELECTRONIC Notice Cancelling Hearing. Hearing cancelled: 4/10/2006 to: new date: to be advised upon filing of motions on May 1, 2006. (Lovett, Zita) (Entered: 03/30/2006)
05/01/2006	● <u>66</u>	MOTION for Summary Judgment by Eli Lilly and Company.(Dillon, James) (Entered: 05/01/2006)
05/01/2006	● <u>67</u>	MEMORANDUM in Support re <u>66</u> MOTION for Summary Judgment filed by Eli Lilly and Company. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Affidavit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit # <u>13</u> Exhibit # <u>14</u> Exhibit # <u>15</u> Exhibit)(Dillon, James) (Entered: 05/01/2006)

05/03/2006	● <u>68</u>	Consent MOTION for Extension of Time to 05/25/06 to File Response/Reply as to <u>66</u> MOTION for Summary Judgment by Kimberly C Cutone. (Attachments: # <u>1</u>)(Tennyson, Erica) (Entered: 05/03/2006)
05/11/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>68</u> Motion for Extension of Time to File Response/Reply re <u>68</u> Consent MOTION for Extension of Time to 05/25/06 to File Response/Reply as to <u>66</u> MOTION for Summary Judgment (Lovett, Zita) (Entered: 05/11/2006)
05/25/2006	● <u>69</u>	Opposition re <u>66</u> MOTION for Summary Judgment filed by Kimberly C Cutone, Anthony Cutone. (Tennyson, Erica) (Entered: 05/25/2006)
05/25/2006	● <u>70</u>	MEMORANDUM in Opposition re <u>66</u> MOTION for Summary Judgment filed by Kimberly C Cutone, Anthony Cutone. (Tennyson, Erica) (Entered: 05/25/2006)
05/25/2006	● <u>71</u>	AFFIDAVIT of Aaron M. Levine, Esq. re <u>70</u> Memorandum in Opposition to Motion <i>Authenticating Documents</i> by Kimberly C Cutone, Anthony Cutone. (Attachments: # <u>1</u> Appendix 1# <u>2</u> Appendix 2# <u>3</u> Appendix 3# <u>4</u> Appendix 4# <u>5</u> Appendix 5# <u>6</u> Appendix 6# <u>7</u> Appendix 7# <u>8</u> Appendix 8# <u>9</u> Appendix 9# <u>10</u> Appendix 10# <u>11</u> Appendix 11# <u>12</u> Appendix 12# <u>13</u> Appendix 13# <u>14</u> Appendix 14# <u>15</u> Appendix 15# <u>16</u> Appendix 16# <u>17</u> Appendix 17# <u>18</u> Appendix 18# <u>19</u> Appendix 19# <u>20</u> Appendix 20# <u>21</u> Appendix 21# <u>22</u> Appendix 22# <u>23</u> Appendix 23# <u>24</u> Appendix 24# <u>25</u> Appendix 25# <u>26</u> Appendix 26)(Tennyson, Erica) (Entered: 05/25/2006)
05/25/2006	● <u>72</u>	Proposed Document(s) submitted by Kimberly C Cutone, Anthony Cutone. Document received: Proposed Order. (Tennyson, Erica) (Entered: 05/25/2006)
06/27/2006	● <u>73</u>	Consent MOTION for Leave to File <i>Reply</i> by Eli Lilly and Company. (Attachments: # <u>1</u> Exhibit Proposed Reply Brief# <u>2</u> Affidavit Affidavit in Support of Proposed Reply# <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit)(Dillon, James) (Entered: 06/27/2006)
06/27/2006	● <u>74</u>	MOTION to Strike <i>Statement of Philip Cafferty</i> by Eli Lilly and Company. (Attachments: # <u>1</u> Affidavit # <u>2</u> Exhibit 1)(Dillon, James) (Entered: 06/27/2006)
06/27/2006	● <u>75</u>	MOTION to Strike <i>Statement of Harold Sparr</i> by Eli Lilly and Company. (Attachments: # <u>1</u> Affidavit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit)(Dillon, James) (Entered: 06/27/2006)
07/11/2006	● <u>76</u>	Opposition re <u>75</u> MOTION to Strike <i>Statement of Harold Sparr</i> filed by Kimberly C Cutone, Anthony Cutone. (Tennyson, Erica) (Entered: 07/11/2006)
07/11/2006	● <u>77</u>	AFFIDAVIT of Aaron M. Levine re <u>76</u> Opposition to Motion to <i>Strike the Statement of Harold Sparr, R.Ph.</i> by Kimberly C Cutone, Anthony Cutone. (Attachments: # <u>1</u> Appendix 1# <u>2</u> Appendix 2# <u>3</u> # <u>4</u> Appendix 4# <u>5</u> Appendix 5# <u>6</u> Appendix 6# <u>7</u> Appendix 7)(Tennyson, Erica) (Entered: 07/11/2006)

07/11/2006	78	Proposed Document(s) submitted by Kimberly C Cutone, Anthony Cutone. Document received: Proposed Order. (Tennyson, Erica) (Entered: 07/11/2006)
07/11/2006	79	Opposition re 74 MOTION to Strike <i>Statement of Philip Cafferty</i> filed by Kimberly C Cutone, Anthony Cutone. (Tennyson, Erica) (Entered: 07/11/2006)
07/11/2006	80	AFFIDAVIT of Aaron M. Levine, Esq. re 79 Opposition to Motion to Strike the <i>Statement of Philip Cafferty</i> by Kimberly C Cutone, Anthony Cutone. (Attachments: # 1 Appendix 1# 2 Appendix 2# 3 Appendix 3# 4 Appendix 4# 5 Appendix 5# 6 Appendix 6# 7 Appendix 7# 8 Appendix 8# 9 Appendix 9# 10 Appendix 10)(Tennyson, Erica) (Entered: 07/11/2006)
07/11/2006	81	Proposed Document(s) submitted by Kimberly C Cutone, Anthony Cutone. Document received: Proposed Order re Cafferty. (Tennyson, Erica) (Entered: 07/11/2006)
08/16/2006	82	Joint MOTION Refer Case to Magistrate Judge <i>Marianne B. Bowler for Mediation</i> by Kimberly C Cutone, Anthony Cutone. (Attachments: # 1 Proposed Order)(Tennyson, Erica) (Entered: 08/16/2006)
08/16/2006		Judge Joseph L. Tauro : Electronic ORDER entered granting 82 Motion to Refer Case to Magistrate Judge Bowler for Mediation (Abaid, Kim) (Entered: 08/16/2006)
08/16/2006	83	Judge Joseph L. Tauro : ORDER entered. REFERRING CASE to Magistrate Judge Marianne B. Bowler Referred for: Mediation(Abaid, Kim) (Entered: 08/16/2006)
08/18/2006	84	NOTICE of ADR Conference. Mediation Hearing set for 10/17/2006 at 10:00 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. All PARTIES are REQUIRED to attend and must have full settlement authority, leave of court is REQUIRED for any exceptions. All confidential mediation briefs are REQUIRED to be submitted to the court VIA FACSIMILE at (617) 204-5833 at least TWO BUSINESS DAYS prior to the hearing. (Duffy, Marc) (Entered: 08/18/2006)